

BOARD OF DESIGN REVIEW MINUTES

January 23, 2003

CALL TO ORDER: Chairman Stewart Straus called the meeting to order at 6:33 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

ROLL CALL: Present were Chairman Stewart Straus; Board Members Cecilia Antonio, Hal Beighley, Mimi Doukas, Ronald Nardozza and Jessica Weathers. Board Member Jennifer Shipley was excused.

Senior Planner John Osterberg, Associate Planner Tyler Ryerson, Associate Planner Sambo Kirkman, Traffic Engineer Don Gustafson, and Recording Secretary Robyn Lampa represented staff.

VISITORS:

Chairman Straus read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

OLD BUSINESS:

CONTINUANCE:

Chairman Straus opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

A. BDR 2002-0148 – KRISPY KREME DOUGHNUTS AT CORNELL ROAD

This application requesting Design Review approval has been submitted for the development of a new Krispy Kreme Doughnut Fast Food Restaurant, consisting of a one-story building approximately 4,760 square feet in size, including a drive-through window located on the north side of the building. The development site is generally located north of NW Cornell Road, east of NW 167th Place, west of

NW Rugs located at 16305 NW Cornell Road, and south of State Highway 26, and is specifically identified as Tax Lot 100 on Washington county Assessor's map 1N1-31AA. The site is zoned Community Service (CS), a zone in which Eating or Drinking Establishments are allowed outright, and is approximately 2.36 acres in size. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.10.15.3.C of the Beaverton Development Code (Ordinance 2050), effective through Ordinance 4188. Because this application was submitted prior to September 19, 2002, the application will be reviewed under the Development Code that was in effect prior to September 19, 2002.

Associate Planner Tyler Ryerson explained that this item had been continued from January 9, 2003 due to a request to keep the record open, adding that additional information has been provided and submitted to the Board. He explained that this information includes a letter from Peter Coffey, dated January 16, 2003; a revised landscape plan provided by the applicant, received January 16, 2003; and a memorandum from the applicant's Traffic Engineer, Michael Swenson of the Transpo Group, received January 16, 2003. He referred to an architectural rendering provided on the board behind the Recording Secretary, submitted by the applicant team on January 16, 2003, and a colored photograph illustrating an existing Krispy Kreme building.

Mr. Ryerson noted that following the closure of the record on January 16, 2003, the applicant took advantage of the opportunity to rebut the information that had been submitted. Referring to a Memorandum dated January 23, 2003, he pointed out that this document outlines the issues at hand, and specifically the letter submitted by Mr. Coffey, two letters from the applicant's attorney, Michael Robinson, and a letter from the applicant's Traffic Engineer, Michael Swenson, in response to Mr. Coffey's comments.

Mr. Ryerson explained that for the purposes of the record, the three Board Members who had not been in attendance at the meeting of January 9, 2003 have all received copies of the tapes and minutes of the hearing. He observed that at this time, the Board is reviewing the Staff Report, dated January 2, 2003, exhibits that were submitted on January 9, 2003, the memorandum and other documents that are dated January 17, 2003, and the final documents submitted this evening, dated January 23, 2003. Emphasizing that the record is closed at this time, he pointed out that while no additional testimony would be accepted, this is an opportunity for staff to provide final

comments and respond to questions prior to deliberation and a final decision by the Board.

Chairman Straus requested clarification whether any members of the Board who had not participated in the hearing on January 9, 2003 have any reservations with regard to a conflict of interest or ex parte contact that might prevent them from participating in this hearing and decision. There was no response.

Observing that there had been a great deal of discussion with regard to the trellises on the back of the building, Mr. Beighley suggested that because the Jasmine dies back each winter, the applicant should consider the possibility of planting an evergreen Clematis along with this plant.

Expressing his opinion that this is an excellent suggestion, Mr. Ryerson pointed out that this should be considered as a Condition of Approval.

Chairman Straus questioned whether any member of the Board had further questions with regard to the landscaping based upon the new plan that has been submitted.

Ms. Doukas requested five minutes to review the new materials that had been submitted this evening.

Mr. Ryerson observed that although the stack of materials is quite thick, it includes information that had already been provided, adding that the new documents are located at the top of the packet.

Referring to the traffic issue, Ms. Doukas noted that the applicant had provided an analysis of the AM/PM peak hour at the key intersection of NW Cornell Road and NW Bethany Boulevard, and questioned whether staff agrees with Mr. Robinson's analysis indicating that this decision involves either the AM or PM peak period, rather than both.

Traffic Engineer Don Gustafson said that because the AM peak period was the only one over the 5% criteria threshold, staff had determined that there is no need for further analysis, adding that staff concurs with Mr. Robinson's analysis.

Chairman Straus pointed out that Mr. Coffey's letter appeared to imply that there was some relationship that should be respected between the application for the Beaverton School District's project for

the Bus Barn and this project, expressing his opinion that based upon his own experience, this issue has no relevance until an application is actually approved.

Mr. Gustafson agreed with Chairman Straus, adding that this reflects staff's interpretation of the Development Code.

Chair Straus pointed out that if this application is approved, any use of the other site would have to include consideration of this project.

The public portion of the Public Hearing was closed.

Mr. Ryerson discussed a modification to a Facilities Review Condition of Approval, observing that Condition of Approval No. B-8.

Ms. Doukas clarified Facilities Review Condition of Approval No. B-8, observing that this involves all existing overhead utilities impacted by the proposed development except high voltage lines.

Mr. Beighley questioned whether the applicant had submitted a traffic control plan for the store opening.

Mr. Ryerson advised Mr. Beighley that a traffic control plan for the store opening has not yet been submitted, adding that this involves a Condition of Approval through Facilities Review. He pointed out that both the City of Beaverton's Traffic Engineer and Washington County's Traffic Engineer would have to approve this plan prior to occupancy, adding that this should address Mr. Coffey's concern with what he referred to as the "honeymoon period". He reiterated that staff supports Mr. Robinson's letter stating that no further Conditions of Approval with regard to traffic are necessary, beyond those already provided through Facilities Review and the Staff Report.

Ms. Doukas pointed out that staff had made certain modifications to the Facilities Review Conditions of Approval, noting that this should be included in the motion.

Chairman Straus advised Ms. Doukas that it is only necessary to reference the revised Facilities Review Conditions of Approval.

Ms. Doukas emphasized that there is a difference between articulation and utilizing plant material as a vertical element for articulation versus the concept of screening.

Ms. Doukas **MOVED** and Mr. Beighley **SECONDED** a motion to **APPROVE** BDR 2002-0148 – Krispy Kreme Doughnuts at Cornell Road Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 2, 2003, and all subsequent documents and materials submitted, including Conditions of Approval Nos. 1 through 24, with additional Conditions of Approval, as follows:

25. Prior to issuance of the site development permit, the property owner shall provide an access easement over the east driveway benefiting the two adjacent parcels to the east, County Assessor Tax Map and Lot Numbers 1N1 32 BB 800 and 900 as conditioned by Washington County in their letter to Tyler Ryerson, dated January 3, 2003.
26. The applicant shall plant Evergreen Clematis in conjunction with the proposed Jasmine as depicted on the revised Landscape Plan, dated January 16, 2003.

and acknowledging staff's revision to Facilities Review Condition of Approval No. B8, as presented in the Public Hearing.

Mr. Beighley requested a friendly amendment to Condition of Approval No. 26, observing that the Evergreen Clematis should be planted in addition to the Jasmine.

Ms. Doukas accepted the friendly amendment to Condition of Approval No. 26, as follows:

26. The applicant shall **plant Evergreen Clematis with** ~~replace~~ the Jasmine on the landscape plan ~~with Evergreen Clematis~~.

Motion, as amended, **CARRIED** by the following vote:

AYES: Antonio, Beighley, Doukas, Nardozza, Straus, and Weathers.
NAYS: None.
ABSTAIN: None.
ABSENT: Shipley.

Mr. Ryerson questioned whether it is necessary to acknowledge the revised landscape plan in the motion.

Chairman Straus advised Mr. Ryerson that this issue was addressed in the motion through the reference to all subsequent documents and materials submitted.

Observing that he is the applicant for the next item on the agenda, Chairman Straus turned the gavel to Vice-Chairman. Beighley, observing that he would serve as Chairman for this issue following a brief recess.

B. BDR 2002-0155 – BAHAI OF BEAVERTON RELIGIOUS CENTER DESIGN REVIEW

(Continued from January 16, 2003)

This land use application has been submitted for a Type 3 Design review approval for the re-development of the subject site to include removal of the existing structure and construction of a building approximately 3,600 square feet in size and other supporting development for use as a religious institution, including, but not limited to, parking, landscaping, sidewalks, and storm water detention. The development proposal is located at 5355 SW Murray Boulevard, and is more specifically described as Tax Lot 6101 on Washington County Assessor's Map 1S1-17DA. The site is zoned Urban Medium Density (R-2), and is approximately 0.80 acres in size. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.10.15.3.C of the Development Code.

Ms. Kirkman submitted a Memorandum identifying a revision to the Facilities Review Report, Exhibit 2 of the Staff Report, and described the proposal for the redevelopment of the subject site and other supporting development for use as a religious institution, and submitted a materials board provided by the applicant. She mentioned a correction to the Staff Report, observing that the request is for 35, rather than 34, parking spaces, and noted that this falls within the limitations of the criteria with regard to minimum and maximum parking spaces. She recommended approval of the application, including certain Conditions of Approval, and offered to respond to questions.

Ms. Doukas questioned whether the 35 parking spaces reflect the Condition of Approval providing for the removal of a parking space and replacement with a landscape island and light pole.

Ms. Kirkman advised Ms. Doukas that the final plan (including the parking space proposed for removal) provides for 35 parking spaces.

Ms. Doukas requested clarification with regard to why the light pole is located in the middle of the parking lot.

Ms. Kirkman explained that the candlepower requirement would not allow this light pole to be moved any further south.

APPLICANT:

STEWART STRAUS, representing *Baha'i of Beaverton*, observing that the architect and a representative of the congregation also represent the applicant and are available to respond to questions. He stated that the applicant has reviewed the Staff Report and concurs with both the recommendations of staff and the proposed Conditions of Approval.

OMID MIRARABSHAHI, architect for the applicant, provided a brief overview of the project, observing that the applicant had started with the context of SW Murray Boulevard, which is a busy street, and considered the proposed scale of the building as it relates to the nearby residences. Emphasizing that they had attempted to provide a building that would be compatible with the existing neighborhood, he noted that the result had been an "L"-shaped building with a playground in the back. Observing that they had tried to minimize the effect of the parking, he pointed out that they had also attempted to avoid creating any blank walls facing the street. He described the functions and features of the facility, and explained that the proposed materials include cedar siding and brick, adding that the building would be nine to 21 feet in height. He discussed spacing issues as it relates to the landscaping,

On question, Mr. Mirarabshahi advised Ms. Doukas that the applicant is comfortable with Condition of Approval No. 25, adding that while they would prefer not to have the light pole, they are willing to accept this requirement.

Vice-Chairman Beighley expressed concern with the request to plant *Arborvitae* along the area close to the parking spaces along SW Murray Boulevard. He pointed out that this could potentially create a problem from a site vision standpoint, suggesting that the applicant consider planting *Otto Luyken Laurel* along both sides in order to resolve this issue.

Mr. Straus stated that the applicant is willing to consider the possibility of changing this plant material.

Ms. Kirkman noted that the applicant has identified revisions to the plans, and was advised that the amended plan has been submitted.

Referring to the playground equipment that is not on the site plan, she questioned whether the applicant is now requesting approval of this equipment or intends to submit a Type 1 Design Review.

Mr. Mirarabshahi pointed out that the proposal actually refers to a back yard play area, rather than a playground.

Observing that Mr. Mirarabshahi had addressed her concerns, Ms. Kirkman stated that she had no further comments.

PUBLIC TESTIMONY:

No member of the public testified with regard to this application.

The public portion of the Public Hearing was closed.

Ms. Doukas **MOVED** and Ms. Antonio **SECONDED** a motion to **APPROVE** BDR 2002-0155 – Baha'i of Beaverton Religious Center Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated January 16, 2003, including Conditions of Approval Nos. 1 through 25, and acknowledging modifications to the Facilities Review Conditions of Approval, as submitted by staff in Memorandum dated January 23, 2003.

Motion **CARRIED** by the following vote:

AYES: Doukas, Antonio, Nardozza, Beighley, and Weathers.

NAYS: None.

ABSTAIN: Straus.

ABSENT: Shipley.

Vice-Chairman Beighley returned the gavel to Chairman Straus for the remainder of the meeting.

APPROVAL OF MINUTES:

The minutes of December 19, 2002, as written, were submitted. Chairman Straus asked if there were any changes or corrections. Mr. Beighley **MOVED** and Mr. Nardozza **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously, with the exception of Ms. Weathers, who abstained from voting on this issue.

MISCELLANEOUS BUSINESS:

ELECTIONS

Mr. Nardozza questioned whether it is necessary to change the current regime.

Chairman Straus pointed out that it is a good idea for everyone to have the opportunity to serve in this capacity.

Ms. Weathers **NOMINATED** Ms. Doukas to serve as Chairperson for the year 2003.

Expressing his opinion that Chairman Straus had done an admirable job as Chairman over the past year, Mr. Beighley **SECONDED** the motion and closed nominations.

Motion that Ms. Doukas serve as Chairman for the year 2003 **CARRIED** unanimously.

Expressing his opinion that he is currently doing a wonderful job as Vice-Chairman, Mr. Nardozza **NOMINATED** Mr. Beighley to serve as Vice-Chairperson for the year 2003.

Chairman Straus **SECONDED** the motion and closed nominations.

Motion that Mr. Beighley serve as Vice-chairman for the year 2003, **CARRIED** unanimously.

Ms. Doukas requested that staff provide the Board with an anticipated hearing schedule in advance.

Following a discussion of the upcoming schedule, it was determined that the Board would like to schedule a training session on one of the unscheduled hearing dates during the month of February.

The meeting adjourned at 7:40 p.m.